

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MICHELLE BROWN and
FRANK DINIS

V.

C.A. NO.: 1:18-425

UNITED STATES OF AMERICA

COMPLAINT

The Plaintiffs, Frank Dinis and Michelle Brown, sue the Defendant, UNITED STATES OF AMERICA (hereinafter “U.S.A.”), and allege:

PARTIES AND JURISDICTION

1. Plaintiffs, Frank Dinis and Michelle Brown are residences of the City of Central Falls, County of Providence and State of Rhode Island.

2. This Court has jurisdiction under the Federal Tort Claims Act and the provisions of 28 U.S.C. §1346(b).

3. Pursuant to the provisions of 28 U.S.C. §2675, on or about October 20, 2016, the Plaintiff, Frank Dinis, provided written notice to the Defendant, U.S.A., of his claims for money damages. The Standard Form 95 form for the Plaintiff, Michelle Brown, is attached hereto and incorporated by reference herein respectively as Exhibit “A”.

4. Pursuant to the provisions of 28 U.S.C. §2675, on or about December 6, 2016, the Plaintiff, Michelle Brown, provided written notice to the Defendant, U.S.A., of her claims for money damages. The Standard Form 95 form for the Plaintiff, Michelle Brown, is attached hereto and incorporated by reference herein respectively as Exhibit “B”.

5. A period of more than six months has transpired since the notice was given to the U.S.A. The Defendant has not made a final disposition of the claims. Accordingly, under 28

U.S.C. §2675(a), the failure of the Defendant to make a final disposition constitutes a denial of the Plaintiffs' claims.

6. At all times material hereto Donovan Andrade was an employee of and acting in the course and scope of his employment with the United States Postal Service, an agency or subdivision of the U.S.A.

7. On September 1, 2015, Donovan Andrade, operated a motor vehicle owned by and with the permission of the United States Postal Service on River Road in the Town of Lincoln, Rhode Island.

8. On September 1, 2015, Plaintiffs Frank Dinis and Michelle Brown, occupied a motorcycle as operator and passenger respectively as it traveled on River Road in the Town of Lincoln, Rhode Island.

9. At that time and place, Donovan Andrade, negligently operated the motor vehicle in that he made a U-turn on River Road and failed to observe the Plaintiffs and turned his vehicle into the path of the Plaintiffs.

COUNT I

1-9. Paragraphs 1-9 of Plaintiffs' Complaint are hereby realleged by reference and made Paragraphs 1-9 of Count I of Plaintiffs' Complaint.

10. As a result of the negligence of the Defendant's agent or servant, Donovan Andrade, Plaintiff, Frank Dinis, suffered bodily injuries resulting in pain and suffering, disability, disfigurement, mental anguish, loss of enjoyment of life, incurred costs for medical care, lost wages or suffered a loss of earning capacity. These damages are continuing and permanent.

WHEREFORE, the Plaintiff, Frank Dinis demands judgment for damages, costs of suit and, to the extent allowed by law, interest and costs.

COUNT II

1-10. Paragraphs 1-10 of Count I of Plaintiffs' Complaint are hereby realleged by reference and made Paragraphs 1-10 of Count II of Plaintiffs' Complaint.

11. As a result of the negligence of the Defendant's agent or servant, Donovan Andrade, Plaintiff, Michelle Brown, suffered bodily injuries resulting in pain and suffering, disability, disfigurement, mental anguish, loss of enjoyment of life, incurred costs for medical care, lost wages or suffered a loss of earning capacity. These damages are continuing and permanent.

WHEREFORE, the Plaintiff, Michelle Brown, demands judgment for damages, costs of suit and, to the extent allowed by law, interest and costs.

Plaintiffs,
By Their Attorney,

/s/ William A. Filippo
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